

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CARL FOX III

PLAINTIFF

V.

CIVIL ACTION NO.: 3:10-CV-00126-DPJ -MTP

UNITED STATES OF AMERICA, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on the Report and Recommendation [90] of United States Magistrate Judge Michael T. Parker. The Court, having fully reviewed the Report and Recommendation, finds that said Report and Recommendation should be adopted as the opinion of this Court.

Judge Parker recommends the following rulings:

[That] the Motion to Dismiss for Insufficient Service of Process [42] filed on behalf of defendants Lampton, Baltz, Watson, Kirchner, Young, Ungesser, Hathorn, Thornton, Calhoun, Rose, Sing(h), May, Finch, Lee, Fillingim, Ramsey, Fedor, and Pollard be **GRANTED**, and that Plaintiff's causes of action against them be **DISMISSED, WITHOUT PREJUDICE**. It is further recommended that Plaintiff's Motions for Additional Time to Serve Summons [77] [79] [80] be **DENIED**, and that defendants Madison County Sheriff's Department, Sheriff Toby Trowbridge, and the State of Mississippi be **DISMISSED, WITHOUT PREJUDICE**, from this cause of action. Finally, it is recommended that the Motion to Dismiss for Lack of Subject Matter Jurisdiction [43] be **DENIED, WITHOUT PREJUDICE**, that the Motion for More Definite Statement [45] be **DENIED AS MOOT**, and that document [86] be deemed Plaintiff's more definite statement. It is further recommended that The United States of America be required to file an Answer to the Complaint no later than thirty (30) days from the date the District Judge addresses this report and recommendation.

The United States provided a notice clarifying a factual issue, but it did not object to the denial of its pending motions. Plaintiff filed the following objection, which is quoted in its entirety as it appears in his submission: "Sir, please accept my blank objections for statute of

limitations. More specific to supply the Court – Am attempting to circumvent here any statute of limitations.”

The magistrate judge provided a thorough and accurate analysis. His recommendations were legally correct and are adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Michael T. Parker be, and the same is hereby, adopted as the finding of this Court. As such, the Motion to Dismiss for Insufficient Service of Process [42] is **GRANTED**, and defendants Lampton, Baltz, Watson, Kirchner, Young, Ungesser, Hathorn, Thornton, Calhoun, Rose, Sing(h), May, Finch, Lee, Fillingim, Ramsey, Fedor, and Pollard are **DISMISSED, WITHOUT PREJUDICE**; Plaintiff’s Motions for Additional Time to Serve Summons [77] [79] [80] are **DENIED**; defendants Madison County Sheriff’s Department, Sheriff Toby Trowbridge, and the State of Mississippi are **DISMISSED, WITHOUT PREJUDICE**, from this cause of action; the Motion to Dismiss for Lack of Subject Matter Jurisdiction [43] is **DENIED, WITHOUT PREJUDICE**; and the Motion for More Definite Statement [45] is **DENIED AS MOOT** as the document [86] submitted by Plaintiff is deemed to be a more definite statement. It is further Ordered that United States of America must file an Answer to the Complaint no later than thirty (30) days from this date.

SO ORDERED AND ADJUDGED this the 17th day of February, 2011.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE